



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Ordinance Amending Section 10.40.020 of the Lodi Municipal Code Relating to Bicycle Riding Rules

MEETING DATE: January 4, 1995

SUBMITTED BY: City Attorney

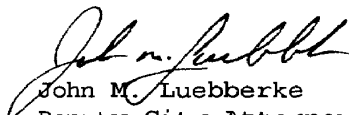
RECOMMENDED ACTION: Council consideration and possible introduction of Ordinance 1604 (Exhibit A) amending Lodi Municipal Code Section 10.40.020 relating to Bicycle Riding Rules.

BACKGROUND INFORMATION: At the request of Capt. Jerry Adams of the Lodi Police Department (Exhibit B), the City Attorney's office has prepared the attached revision to Section 10.40.020 of the Lodi Municipal Code.

The present code section prohibits the operation of bicycles on the sidewalk of a business district. I am sure the Council is aware that police officers have been patrolling the downtown business district on bicycles. This revision will simply allow the Police Department to operate bicycles on the sidewalk in downtown and other business districts as may be necessary.

FUNDING: Not applicable.

Respectfully submitted,


John M. Luebberke
Deputy City Attorney

for Bob McNatt
City Attorney

BM:pn

Attachments

CCOM-162/TXTA.07A

APPROVED: _____

THOMAS A. PETERSON
City Manager



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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI
AMENDING LODI MUNICIPAL CODE SECTION 10.40.020
RELATING TO BICYCLE RIDING RULES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Lodi Municipal Code Section 10.40.020 - Bicycle Riding
Rules - is hereby amended to include Section "D" as follows:

D. Paragraphs A and C of this section shall not apply to
police personnel acting within the course and scope of
their employment.

SECTION 2. All ordinances and parts of ordinances in conflict herewith
are repealed insofar as such conflict may exist.

SECTION 3. This ordinance shall be published one time in the "Lodi
News Sentinel", a daily newspaper of general circulation printed and
published in the City of Lodi and shall be in force and take effect
thirty days from and after its passage and approval.

Approved this day of

STEPHEN J. MANN
Mayor

Attest:

JENNIFER M. PERRIN
City Clerk

State of California
County of San Joaquin, ss.

I, Jennifer M. Perrin, City Clerk of the City of Lodi, do hereby certify that Ordinance No.1604 was introduced at a regular meeting of the City Council of the City of Lodi held January 4, 1994 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held _____, 1994 by the following vote:

Ayes:	Council Members -
Noes:	Council Members -
Absent:	Council Members -
Abstain:	Council Members -

I further certify that Ordinance No. 1604 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

JENNIFER M. PERRIN
City Clerk

Approved as to Form

BOBBY W. McNATT
City Attorney

ORD1604/TXTA.01V

M e m o r a n d u m

To: Captain Jerry Adams

NOV 14 1994

City Attorney's Office

From: David J. Main
Police Lieutenant

Date: November 13, 1994

Subject: **BIKE PATROL**

Since the bicycle patrol has become a full time assignment, the two officers assigned to the bikes have encountered some criticism from several citizens when they ride on the sidewalk. Riding on the sidewalk is a necessary part of their job, in order to see into businesses, etc.

I was under the impression that the vehicle code exempts police officers on bikes, specifically. I was mistaken, as I find no exemption. Both officers informed me that many cities who have a full time bike patrol, write in an exemption into their city ordinance which deals with bikes.

Upon examination of our local ordinance, 10.42.020, it states clearly that bikes are not to be ridden on sidewalks in a business district. It appears to be in the best interest of the city, to amend the city ordinance, including the bike patrol in the normal course of their duties as peace officers to be exempt from this regulation. From a liability stand point, this amendment might prove beneficial as well. Currently if someone is injured, a person may make the case that the officers were in violation of the law. This exemption may help protect the city of Lodi. While the vehicle code does make exemptions for emergency vehicles, responding to emergencies, there is no section I am aware of that allows the bikes to ride on the sidewalk.

I recommend this be forwarded to the city attorney's office and consideration be given to amending the city ordinance.



David J. Main
Lieutenant

cc: Chief of Police